

## REMARKS

The Office Action dated September 9, 2004 has been fully considered by the Applicant.

The rejections under 35 U.S.C. §112 have been addressed by amendments to independent Claim

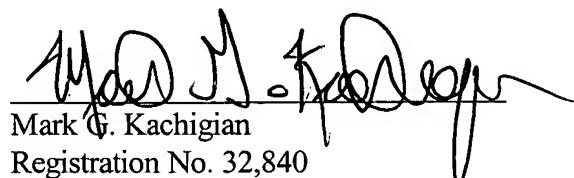
1. Specifically, the concentration range of 25 to 97.9% of barley straw has been added to independent Claim 1. Accordingly, Claim 8 has been canceled. No new matter has been added.

The rejection of Claims 1, 2, 4, 5 and 9 under Section 112 have also been addressed by amendment to Claim 1.

The remaining rejection under 35 U.S.C. §103(a) of Claims 1, 2, 4, 5 and 9 as unpatentable over Ely et al. taken with Richards et al. and Jeffreys is now believed to be overcome by inclusion of the limitation of Claim 8 into independent Claim 1.

It is believed that the application is now in condition for allowance and such action is earnestly solicited. If any issues remain, a telephone conference with Examiner Marx is respectfully requested.

Respectfully submitted,

  
\_\_\_\_\_  
Mark G. Kachigian  
Registration No. 32,840  
Head, Johnson & Kachigian  
228 West 17<sup>th</sup> Place  
Tulsa, Oklahoma 74119  
(918) 587-2000  
Attorneys for Applicant

December 8, 2004